

# Ballard Spahr LLP

-----  
1675 Broadway, 19th Floor  
New York, NY 10019-5820

TEL 212.223.0200

FAX 212.223.1942

www.ballardspahr.com

Marjorie J. Pearce  
Partner

Tel: 646.346.8039

Fax: 212.223.1942

peercem@ballardspahr.com

September 26, 2019

*By Electronic Filing*

Hon. Elizabeth S. Stong  
Conrad B. Duberstein Courthouse  
271-C Cadman Plaza East – Suite 1595  
Brooklyn, New York 11201-1800

Re: Tashanna B. Golden, et al. v. National Collegiate Student Loan Trust 2005-3, et al.  
Adv. Pro. No. 1-17-01005-ESS

Dear Judge Stong:

As Your Honor may recall, my firm represents Citibank, whose confidential records are being sought through plaintiff's document demand directed to Firstmark, a defendant in this action, and now through Plaintiff's motion to compel the production of Citibank's records. Those records are Citibank servicing agreements and instructions, which are in Firstmark's possession as a result of its servicing of certain loans, which do not involve the loans at issue in this litigation. We previously advised the Court that we were going to seek a protective order to preclude the production of those records.

We are aware that plaintiff has served a motion to compel the production of those records. We were unaware of the scheduling of that motion, or that it was possibly going to be addressed at the October 16 conference in this matter prior to receiving an ECF notice about it earlier this week. I personally will be out of town on October 16, so I could not appear on that date to address this issue with the Court.

We have consulted with plaintiff's counsel, and they have consented, subject to the Court's approval, to a briefing schedule for our motion for a protective order. This schedule would only address our motion for a protective order, and that portion of plaintiff's motion to compel directed to Firstmark which seeks Citibank's records. It would not otherwise impact the myriad motions to compel which were filed earlier this week or the other portions of the motion to compel directed to Firstmark.

Hon. Elizabeth S. Stong  
September 26, 2019  
Page 2

The schedule that plaintiff and we jointly propose is as follows:

Citibank's motion for protective order filed by 10/10/19  
Plaintiff's response to motion for protective order filed by 10/24/19  
Citibank's reply to Plaintiff's response to motion for protective order filed by 10/31/19

Thereafter, should the Court desire, we of course would be available to address the issues with the Court.

We very much appreciate the Court's consideration of this request.

Respectfully,

/s/ Marjorie J. Pearce

Marjorie J. Pearce

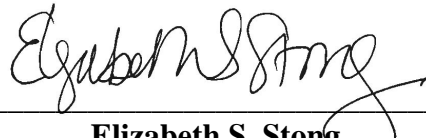
MJP/gb

**The briefing schedule proposed by the parties is approved.**

**IT IS SO ORDERED.**

**Dated: Brooklyn, New York  
October 8, 2019**



  
**Elizabeth S. Stong**  
**United States Bankruptcy Judge**